IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD
(SPECIAL ORIGINAL JURISDICTION)

WEDNESDAY, THE TENTH DAY OF MARCH,
TWO THOUSAND AND FOUR
: PRESENT :
THE HON'BLE MR. DEVINDER GUPTA, THE CHIEF JUSTICE
AND
THE HON'BLE MS. JUSTICE: G. ROHINI

W.P. No. 20090 of 2003

Between:

M/s. Nimra Educational Society, rep. by its Chairman,
Mohd. Ghousiddin, S/o. Mohd. Osman Ali,
R/o. 12-2-800/228, Dilshadnagar Colony,
Retiboli, Hyderabad

Petitioner

AND

1. The Government of AP, rep. by its Secretary,
   Health & Medical and Family Welfare Department,
   Secretariat Buildings, Hyderabad
2. NTR University of Health Sciences,
   rep. by its Registrar, Gunadala,
   Vijayawada, Krishna District
3. Hon'ble Justice, Y. Bhaskar Rao Committee,
   rep. by its Member Convenor,
   Sultan Bazar, Koti
4. The Director of Medical Education,
   Sultan Bazar, Hyderabad

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus declaring the inaction on the part of the 2nd respondent in not considering the application dated 24-7-2001 of the petitioner for grant of Provisional Affiliation Certificate based on the Essentiality Certificate No.11719/E1/2001 dated 2-6-2001 as arbitrary, illegal and unjustified and issue a consequential direction to the 2nd respondent to consider the application dated 24-7-2001 of the petitioner for grant of Provisional Affiliation Certificate based on the Essentiality Certificate dated 2-6-2001 or in the alternative declare the inaction on the part of the 3rd respondent in not re-inspecting the infrastructure facility of the petitioner for issuance of the essentiality certificate as arbitrary, illegal and unjustified and issue a consequential direction to the 3rd respondent to undertake the exercise forthwith.

The petition coming on for hearing, upon perusing the petition and the affidavit filed in support thereof and the High Court order dated 23-9-2003 made in W.P.M.P. No. 25178 of 2003 upon hearing the arguments of Mr. C.V. Mohan Reddy, Advocate for the Petitioner and of the Additional Advocate General and G.P.

for Medical and Health on behalf of the Respondent Nos.1 and 4, and of Dr. Y. Padmavathi, S.C. for the Respondent No.2, the Court made the following

ORDER:

" Reference to Division Bench cannot be sought merely on the ground that certain paragraphs of earlier judgment need interpretation. Learned single judge has to decide the lis pending before him strictly in accordance with law and even if there is need to interpret judgment of Division Bench or even of Supreme Court, matter cannot be referred to the Bench which has

rendered the said judgment or to another Division Bench. Reference can be sought by a learned single Judge only on the well settled parameters and the ground on which reference has been sought does not fall within those parameters. As such, we decline to answer the reference. Papers be placed before the learned single judge on 16-3-2004 in the supplemental list for being disposed of in accordance with law."

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1. The Secretary, Health & Medical and Family Welfare Department, Government of AP, Secretariat Buildings, Hyderabad
2. The Registrar, NTR University of Health Sciences, Gunadala, Vijayawada, Krishna District
3. The Member Convenor, Hon'ble Justice, Y. Bhaskar Rao Committee, Sultan Bazar, Koti, Hyderabad
4. The Director of Medical Education, Sultan Bazar, Hyderabad
   (ADDRESSEES 1 TO 4 BY RPAD)
5. Two CCs to the Additional Advocate General, High Court of AP (OUT)
6. Two CCs to the G.P. for Medical & Health, High Court of AP (OUT)
7. Two Spare Copies

MSR

HIGH COURT

DATE: 10-3-2004

ORDER

W.P.No. 20090 of 2003

DIRECTION

HIGH COURT

DRAFTED BY: MSR
DRAFTED ON: 15-3-2004

HCJ &
RGJ

DATE: 10-3-2004

ORDER

W.P.No. 20090 of 2003

DIRECTION